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Testimony on SB260 [Shockley] regarding criminal penalty for voting by non-citizens

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I'm a retiree who works as a "volunteer physicist" in a lasers&optics research group at MSU. As a year 2005 "refugee" from southern California, I know a lot about what mass immigration (both legal and illegal) is doing to our country.

Thus, I enthusiastically support SB260, which makes it a felony for a non-citizen to register to vote in Montana or to -- somehow! --- actually vote in a Montana election. I think only American citizens should be the ones to determine American public policy.

Is illegal voting by non-citizens a problem in Montana? I don't know, but I'll guess that it isn't --- yet --- because there are relatively few foreign-born people in Montana. (According to the Federation for American Immigration Reform [FAIR], the fraction is about 1.8%. Compare this to 11.8% foreign-born nationally [2003, U.S. Census Bureau] and 28.5% in California [FAIR].)

But it has cropped up in other states, most prominently in a close Congressional race in 1996 in southern California. According to an article I'm providing you from the *Orange County Register* in October, 2006, "In 1996, some 743 non-citizens were found to have voted in the controversial congressional race in which Loretta Sanchez upset Bob Dornan." Here "non-citizens" presumably includes both immigrants who hadn't been naturalized and illegal aliens.

According to the second page of the same article, approximately 400 illegal aliens were registered to vote in Utah as of 2005 and at least 14 of them had actually voted.

Here is a different kind of case from Wisconsin for you to consider: In 2004, "FAIR obtained evidence of efforts by an ethnic advocacy group to get non-citizens to register to vote. FAIR enlisted the aid of two immigration reform activists who posed as illegal aliens attempting to register to vote. They were able to register in two Wisconsin counties, with the assistance of an organization known as Voces de la Frontera, in spite of the fact that the two individuals presented themselves as noncitizens. The Wisconsin case involved the registration of non-citizens residing legally in the U.S., but it might just as easily have involved illegal residents." I'm quoting from FAIR's website here, but those weren't two abstract "activists" --- I actually know them!

Further, the California case I mentioned arose because of voters registered by Hermandad Mexicana Nacional, the National Mexican Brotherhood. So, I wonder if you could add another section to SB260 providing criminal penalties for those who knowingly sign-up non-citizens to vote?

I'd like to suggest a larger context for SB260: Illegal immigration is an enormous problem that's metastasizing nationwide. Because we have let it get out of control, it must now be countered in many ways, and SB260 is one way. Simply putting laws like this on the books, even if the local problem isn't acute, is important psychologically. It's a mark in the sand that says "Americans are going to run our own country."

You may be aware that Georgia passed a comprehensive anti-illegal-immigration law in 2006. More recently, Hazleton, PA has passed several ordinances intended to discourage the presence of illegal aliens in their city. Though neither law is yet in force, in both cases the populations of illegal aliens have shown that they recognize the game is changing. In Georgia, the incidence of illegal aliens applying for mortgages --- yes, mortgages! --- has dropped precipitously. In Hazleton, they've actually been moving out.

Thus I hope this committee will report out a strong version of SB260.

- Arrests pledged over Nguyen mailer
- Letter of the law sought
- Many parties pitch tents in Nguyen opposition camp
- Nguyen's campaign office raided
- Nguyen denies knowing of mailing
- State investigators focus on Nguyen Campaign

*Supporting testimony
of Paul Nachman,
testifying on SB260,
State Administration
Committee, 1/22/07*

Thursday, October 26, 2006

Closer look at illegal voting

Holes in law allow some non-citizens to register, but most don't cast ballots, expert says.

By MARTIN WISCKOL
The Orange County Register

California Secretary of State Bruce McPherson sent a letter Wednesday to foreign-born registered voters who had earlier received an intimidating mailer from a congressional campaign.

The mailer, which has been traced to U.S. House candidate Tan Nguyen's campaign, sparked a state investigation and bipartisan condemnation. McPherson's letter assures recipients that they can vote despite warnings in the earlier mailer.

Outrage over the Nguyen mailer – sent to 14,000 voters in central Orange County – has been focused primarily on the assumption that most recipients are U.S. citizens legally registered to vote.

But it is not a fail-safe assumption. In 1996, some 743 non-citizens were found to have voted in the controversial congressional race in which Loretta Sanchez upset Bob Dornan – the same seat for which Sanchez and Nguyen are now vying. Since then, only a few safeguards have been put in place to prevent non-citizens from registering and voting.

"The (non-citizen) registrations are more likely to happen than (non-citizen) voting," said Richard Hasen, an elections-law expert at Loyola Marymount Law School. "Mickey Mouse and Donald Duck get registered to vote because of the bounty hunters."

"Bounty hunters" are people hired to register voters outside supermarkets or malls or other public places and are paid for each new voter they register. Some bounty hunters are under investigation on suspicion of wrongly changing hundreds of county Democrats to Republican registration this year.

The letters sent last week by Nguyen's campaign warned immigrants not to vote. The message has been widely attacked as an unsavory effort to suppress the Latino vote.

Registrar of Voters Neal Kelley believes the 14,000 recipients of the Nguyen campaign letter were U.S. citizens.

(over)

"More than likely, they're all legally registered," Kelley said. "The people that fill out registrations are generally following the law."

The Help America Vote Act of 2002 put a few safeguards in place to prevent non-citizens from registering and voting. New registrants are now required to provide a driver's license, California ID or the last four numbers of their Social Security number before they vote. When they show up at the polls, first-time voters who register by mail or with a bounty hunter must provide a photo ID or other documents that show their name and address.

Stricter identification requirements have been rejected out of concerns that further measures would deter legitimate voters, particularly foreign-born U.S. citizens.

The non-citizens voting in the 1996 congressional race resulted in part from an aggressive voter registration drive in which dozens of immigrants who were waiting to be sworn in as citizens registered to vote prematurely.

Hasen said that even if non-citizens are registered to vote by bounty hunters, they are unlikely to vote because they may not be motivated and because they may be aware that they would be voting illegally.

Arizona, with a law upheld by the Supreme Court last week, now requires all voters to show identification before receiving a ballot at the polling place. Barbara Coe, chairwoman of the California Coalition for Immigration Reform, would like to take it a step farther and have a birth certificate required for voter registration.

"This is a major issue for every candidate who has the guts to come out and speak out on the illegal-alien invasion," she said.

Reports of voting by non-citizens point to O.C. in 1997 race and Utah in 2005:

1997: After losing his Orange County congressional seat to Democrat Loretta Sanchez by fewer than 1,000 votes, Republican Bob Dornan said votes cast by immigrants who registered to vote before becoming citizens cost him the election. A yearlong investigation found that 743 such ballots were cast, but this would not have been enough to give Dornan the victory.

2005: During discussion of legislation on drivers' licenses for undocumented workers, Utah Legislative Auditor General John Schaff said more than 58,000 illegal immigrants had Utah driver's licenses, nearly 400 of them used their licenses to register to vote in Utah, and a sampling revealed at least 14 voted in an election. The Utah Lieutenant Governor's Office began investigating in August of that year.

In some other states, laws seeking to keep non-citizens and illegal immigrants from voting have been challenged in court recently:

ARIZONA

(over)

Controversy surrounds the voter-approved Proposition 200, which mandates that proof of citizenship be shown when registering to vote. Critics said the law would disenfranchise citizens who lacked the time, money and mobility to obtain such documentation, most notably minorities and the oldest voters. This month, the 9th U.S. Circuit Court of Appeals blocked it

OPINION

Montana may bear the impact of mass immigration

In a Nov. 12 article about immigration's looming presence in the Gallatin Valley, Chronicle reporter Gail Schnalzbauer quoted Montana State University sociology Professor Leah Schnalzbauer and me. Most of what was attributed to Schnalzbauer is contradicted by the facts, as I will outline.

This enormous subject deserves continued exposure because, although not yet highly visible in Montana, mass immigration is causing burgeoning distress to citizens in much of the rest of our country. As Colorado Congressman Tom Tancredo has said, "We are facing a situation, where if we don't control immigration, legal and illegal, we will eventually reach the point where it won't be what kind of a nation we are, balkanized or united, we will actually have to face the fact that we are no longer a nation at all."

Montanans may bear the impacts in two ways. Impacts can be direct, with large influxes of immigrants and illegal aliens imposing public costs and, instead of assimilating to us, expecting us to serve them in their native languages. Indeed, that was an underlying

thread in the Chronicle's article: Local public agencies are preparing for a surge in Spanish-speaking clients. The trajectory of such developments is well known from experiences in other states. Ultimately, Americans come to feel like strangers in their own country.

Mass immigration may also indirectly affect Montana. Example, for some years now, California's net population growth of 500,000 people per year has been entirely due to foreign immigration and births to foreign-born women. With the state's population now at 37 million, native-born Americans are moving to Idaho, Montana, and other states to escape California's metastasizing congestion and concomitant dysfunction, becoming, in a sense, internal refugees within the United States. In the interest of full disclosure, I am among California's "Class of 2005" refugees. (Of course, the "refugees" trope shouldn't be taken too far — most of us escape with substantially more than the clothes on our backs! But the operative word is still "escape.") If this surge out of California continues, Montana's glorious open



PAUL NACHMAN
Guest columnist

spaces will fill up. According to Prof. Schnalzbauer, "Immigrant workers pay a lot of taxes." In fact, many illegal aliens pay zero income and payroll taxes, since they work off the books (i.e. for cash), so their sole contributions to public budgets are sales taxes and the real estate taxes incorporated in their rents. Illegal aliens who do have taxes withheld from paychecks are typically paid poorly enough that the taxes they remit are quite modest. And a large fraction of today's legal immigrants also fall into that "poorly paid" category.

Robert Rector, a formidable public policy analyst at the Heritage Foundation explains why: "Today's immigrants differ greatly from historic immigrant populations. Prior to 1960, immigrants to the U.S. had education

levels that were similar to those of the non-immigrant workforce and earned wages that were, on average, higher than those of non-immigrant workers. Since the mid-1960s, however, the education levels of new immigrants have plunged relative to non-immigrants. Consequently, the average wages of immigrants are now well below those of the non-immigrant population. Recent immigrants increasingly occupy the low end of the U.S. socioeconomic spectrum."

Professor Schnalzbauer also claimed that, following the 1996 federal Welfare Reform Act, very few immigrants and illegal aliens can receive public assistance, and "There's a myth out there they're tapping into public coffers."

Actually, it's no myth. In his 1999 book "Heaven's Door: Immigration Policy and the American Economy," Harvard economist George Borjas (himself an immigrant from Cuba) wrote: "By the 1990s, immigrants received a disproportionately large share of the welfare benefits distributed, and had a severe fiscal impact on some immigrant-receiving states, particularly

LETTERS

like money well spent to me.

Dr. Gamble, you were hired to make the decisions that you are making. Keep up the good work and may it continue for years to come.

Ray Johnson
Belgrade

Pay attention

The Montana State Capitol

tion behind the wheel.

Gale Kinzie
Bozeman

Diversity is good

Where can you go to find Chinese, Mexican, Vietnamese, Italian, and just about all the other major ethnic foods you can think of? If you go to any major

California." Borjas notes the 1996 reforms intended non-citizens from welfare were never enforced. He that, counting both cash benefits, "[I]n 1998, almost 10 percent of the population of assistance, as compared to 1990, had been conclusively shown to have mass immigration, States is importing poverty. Finally, Schnalzbauer

ing, "I always tell my students, 'You're Native American.' No. Nope. For was born in Chicago and country to return to. That for most of the people in Montana and, indeed, in U.S. Americans such as immigrants.

Paul Nachman of Bozeman retired laser physicist who years in southern California witnessed mass immigration population.

been to many different countries, the people's feelings of nationalism limited their ability to accept ideas. Yet, our "melting pot" groups of people the opposite, "life, liberty, and the pursuit of happiness."